

Barcia	Hall (OH)	Nadler
Barrett (WI)	Hall (TX)	Neal
Becerra	Hamilton	Oberstar
Bentsen	Harman	Obey
Berman	Hastings (FL)	Olver
Berry	Hefner	Ortiz
Bishop	Hilliard	Owens
Blagojevich	Hinchey	Pallone
Blumenauer	Hinojosa	Pascarell
Bonior	Holden	Pastor
Borski	Hooley	Payne
Boswell	Hoyer	Pelosi
Boucher	Jackson (IL)	Peterson (MN)
Boyd	Jackson-Lee	Pickett
Brown (CA)	(TX)	Pomeroy
Brown (FL)	Jefferson	Poshard
Brown (OH)	John	Price (NC)
Capps	Johnson (WI)	Rahall
Cardin	Johnson, E. B.	Rangel
Carson	Kanjorski	Reyes
Clay	Kaptur	Rivers
Clayton	Kennedy (MA)	Rodriguez
Clement	Kennedy (RI)	Roemer
Clyburn	Kennelly	Rothman
Condit	Kildee	Roybal-Allard
Conyers	Kilpatrick	Rush
Costello	Kind (WI)	Sabo
Coyne	Klecza	Sanders
Cramer	Klink	Sandlin
Cummings	Kucinich	Sawyer
Danner	LaFalce	Scott
Davis (FL)	Lampson	Serrano
Davis (IL)	Lantos	Sherman
DeFazio	Levin	Sisisky
DeGette	Lewis (GA)	Skaggs
Delahunt	Lipinski	Skelton
DeLauro	Lofgren	Slaughter
Dellums	Lowe	Smith, Adam
Deutsch	Luther	Snyder
Dicks	Maloney (CT)	Spratt
Dingell	Maloney (NY)	Stabenow
Dixon	Manton	Stark
Doggett	Markey	Stenholm
Dooley	Martinez	Stokes
Doyle	Mascara	Strickland
Edwards	Matsui	Stupak
Engel	McCarthy (MO)	Tanner
Eshoo	McCarthy (NY)	Tauscher
Etheridge	McDermott	Taylor (MS)
Evans	McGovern	Thompson
Farr	McHale	Thurman
Fattah	McIntyre	Tierney
Fazio	McKinney	Torres
Filner	McNulty	Towns
Flake	Meehan	Turner
Foglietta	Meek	Velazquez
Ford	Menendez	Vento
Frank (MA)	Millender	Visclosky
Frost	McDonald	Waters
Furse	Miller (CA)	Watt (NC)
Gedensson	Minge	Waxman
Gephardt	Mink	Wexler
Goode	Moakley	Weygand
Gordon	Mollohan	Wise
Green	Moran (VA)	Woolsey
Gutierrez	Murtha	Wynn

## ANSWERED "PRESENT"—1

Sanchez

## NOT VOTING—10

Gonzalez	Schiff	Young (AK)
Houghton	Schumer	Young (FL)
McDade	Smith (OR)	
Oxley	Yates	

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

## ¶110.38 SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN V. SANCHEZ

Mr. THOMAS, pursuant to House Resolution 253, called up the following resolution (H. Res. 244):

Whereas the contested election case of Dornan v. Sanchez is pending before the Committee;

Whereas the Federal Contested Elections Act (2 U.S.C. 381 et seq.) (hereafter in this resolution referred to as the "Act") provides for the issuance of subpoenas, and on March 17, 1997, United States District Court Judge Gary L. Taylor issued such a subpoena at the

request of the Contestant for the deposition and records of Hermandad Mexicana Nacional;

Whereas on April 16 1997, the Committee voted to modify the subpoena by limiting production of documents to the 46th Congressional District (among other modifications), and as perfected by the Committee, the subpoena required Hermandad Mexicana Nacional to produce documents and appear for a deposition no later than May 1, 1997;

Whereas Hermandad Mexicana Nacional failed to produce documents or appear for the deposition by May 1, 1997, and still has not complied with the subpoena;

Whereas Hermandad Mexicana Nacional, by willfully failing to comply with the lawfully issued subpoena, is in violation of section 11 of the Act (2 U.S.C. 390), which provides for criminal penalties;

Whereas on May 13, 1997, the Contestant wrote to the United States Attorney for the Central District of California, Nora M. Manella, requesting that action be taken to enforce the law with respect to Hermandad Mexicana Nacional, and on June 23, 1997, the Committee wrote to the Department of Justice inquiring as to the status of this request for criminal prosecution, and the Department responded on July 25, 1997, that the criminal referral remain "under review";

Whereas the United States Attorney's failure to enforce criminal penalties for the violation of the Act encourages disrespect for the law and hinders the Constitutionally mandated process of determining the facts in the contested election case, including the discovery of any election fraud that may have influenced the outcome of the election; and

Whereas on September 23, 1997, the United States District Court for the Central District of California ruled that the deposition subpoena provisions of the Act are constitutional: Now, therefore, be it

*Resolved*, That the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, pursuant to its determination that it is appropriate according to the law and the facts, criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Act.

When said resolution was considered.

After debate,

Pursuant to House Resolution 253, the previous question was ordered on the resolution, as amended, and the preamble to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the nays had it.

Mr. THOMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

**WEDNESDAY, OCTOBER 1  
(LEGISLATIVE DAY OF SEPTEMBER 30), 1997**

The vote was taken by electronic device.

It was decided in the affirmative .....	Yeas .....	219
	Nays .....	203
	Answered present	1

¶110.39

[Roll No. 478]

## YEAS—219

Aderholt	Gekas	Nussle
Archer	Gibbons	Packard
Armey	Gilchrest	Pappas
Bachus	Gillmor	Parker
Baker	Gilman	Paul
Ballenger	Gingrich	Paxon
Barr	Goodlatte	Pease
Barrett (NE)	Goodling	Peterson (PA)
Bartlett	Goss	Petri
Barton	Graham	Pickering
Bass	Granger	Pitts
Bateman	Greenwood	Pombo
Bereuter	Gutknecht	Porter
Bilbray	Hastert	Portman
Bilirakis	Hastings (WA)	Pryce (OH)
Bliley	Hayworth	Quinn
Blunt	Hefley	Radanovich
Boehlert	Herger	Ramstad
Boehner	Hill	Redmond
Bonilla	Hilleary	Regula
Bono	Hobson	Riggs
Brady	Hoekstra	Riley
Bryant	Horn	Rogan
Bunning	Hostettler	Rogers
Burr	Hulshof	Rohrabacher
Burton	Hunter	Ros-Lehtinen
Buyer	Hutchinson	Royce
Callahan	Hyde	Ryun
Calvert	Inglis	Salmon
Camp	Istook	Sanford
Campbell	Jenkins	Saxton
Canady	Johnson (CT)	Scarborough
Cannon	Johnson, Sam	Schaefer, Dan
Castle	Jones	Schaffer, Bob
Chabot	Kasich	Sensenbrenner
Chambliss	Kelly	Sessions
Chenoweth	Kim	Shadegg
Christensen	King (NY)	Shaw
Coble	Kingston	Shays
Coburn	Klug	Shimkus
Collins	Knollenberg	Shuster
Combest	Kolbe	Skeen
Cook	LaHood	Smith (MI)
Cooksey	Largent	Smith (NJ)
Cox	Latham	Smith (TX)
Crane	LaTourrette	Smith, Linda
Crapo	Lazio	Snowbarger
Cubin	Leach	Solomon
Cunningham	Lewis (CA)	Souder
Davis (VA)	Lewis (KY)	Spence
Deal	Linder	Stearns
DeLay	Livingston	Stump
Diaz-Balart	LoBiondo	Sununu
Dickey	Lucas	Talent
Doolittle	Manzullo	Tauzin
Dreier	McCollum	Taylor (NC)
Duncan	McCrery	Thomas
Dunn	McDade	Thornberry
Ehlers	McHugh	Thune
Ehrlich	McInnis	Tiahrt
Emerson	McIntosh	Traficant
English	McKeon	Upton
Ensign	Metcalf	Walsh
Everett	Mica	Wamp
Ewing	Miller (FL)	Watkins
Fawell	Moran (KS)	Watts (OK)
Foley	Morella	Weldon (FL)
Fowler	Myrick	Weldon (PA)
Fox	Nethercutt	Weller
Franks (NJ)	Neumann	White
Frelinghuysen	Ney	Whitfield
Gallegly	Northup	Wicker
Ganske	Norwood	Wolf

## NAYS—203

Abercrombie	Borski	Costello
Ackerman	Boswell	Coyne
Allen	Boucher	Cramer
Andrews	Boyd	Cummings
Baessler	Brown (CA)	Danner
Baldacci	Brown (FL)	Davis (FL)
Barcia	Brown (OH)	Davis (IL)
Barrett (WI)	Capps	DeFazio
Becerra	Cardin	DeGette
Bentsen	Carson	Delahunt
Berman	Clay	DeLauro
Berry	Clayton	Dellums
Bishop	Clement	Deutsch
Blagojevich	Clyburn	Dicks
Blumenauer	Condit	Dingell
Bonior	Conyers	Dixon